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MAILED

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OFFICE OF PETITIONS

In re Patent No. 7,627,870
Issued: December 1, 2009
Application No. 09/845,606
Filed: April 28, 2001
Attorney Docket No. 63131

: DECISION ON REQUEST
: FOR RECONSIDERATION
: OF PATENT TERM ADJUSTMENT
: AND
: NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the "REQUEST FOR CORRECTION OF PATENT TERM ADJUSTMENT (PTA) STATED IN THE DECISION ON REQUEST FOR RECALCULATION OF PTA IN VIEW OF WYETH..." filed May 7, 2010, requesting that the patent term adjustment determination for the above-identified patent be changed from 1270 days to 1269 days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by one thousand two hundred sixty-nine (1269) days is **GRANTED**.

Applicants believe that the PTA Calculations in PAIR incorrectly reflects the date of receipt of the response to the non-Final Office Action mailed November 29, 2006 as March 28, 2007 instead of March 29, 2007. In view thereof, Applicants delay should be increased by one day, reducing the PTA to be 1269 days.

A review of the application history reveals that applicants are correct. The Office incorrectly entered the date of receipt of the response to the non-Final Office Action in the PTA Calculations as March 28, 2007 instead of March 29, 2007. Thus, the date of March 29, 2007, not March 28, 2007, should have been used for the purposes of calculating patent term adjustment.

Accordingly, a period of reduction of 29 days, pursuant to 37 CFR 1.704(b), should have been entered.

In view thereof, the correct patent term adjustment at the time of mailing of the notice of allowance is **1269 days**.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **one thousand two hundred sixty-nine (1269) days**.

Telephone inquiries specific to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style with a large initial "P".

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT
UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,627,870 B1

DATED : December 1, 2009

INVENTOR(S) : Amir Michaeli

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (1270) days

Delete the phrase "by 1270 days" and insert – by 1269 days--